

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel BARRERA-Lucas,

Defendant

Magistrate Docket No.

'08 MJ 1764

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

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The undersigned complainant, being duly sworn, states:

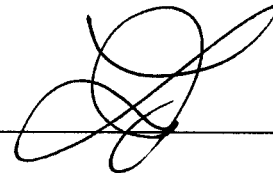
On or about **June 4, 2008**, within the Southern District of California, defendant, **Miguel BARRERA-Lucas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF JUNE 2008.



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel BARRERA-Lucas

PROBABLE CAUSE STATEMENT

On June 4, 2008 at approximately 6:30 am, Border Patrol Dispatch advised Agents of a seismic intrusion device activation in an area known as "South Grapevine." This area is approximately two miles west of the Tecate, California Port of Entry, and one mile north of the international boundary between the United States and Mexico.

Border Patrol Agent A. Matos responded to the area and found five sets of footprints leading northbound. Agent Matos followed the footprints and found five individuals hiding in the brush. Agent Matos identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All five individuals, including one later identified as the defendant **Miguel BARRERA-Lucas**, stated that they were born in Mexico and are all Mexican citizens without any United States Immigration documents. All five were placed under arrest and transported them to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 14, 2008** through the Port of Entry at **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.